

Remarks

In the outstanding Office Action, the Examiner has rejected claims 1-17, 19-25, 27-34, 36-41 and 43-52 under 35 U.S.C. §102(e) as being anticipated by United States Publication No. 2001/0006892, published in the names of Barnett et al. (hereinafter "Barnett"). The Examiner has rejected claims 18, 26, 35 and 42 under 35 U.S.C. §103(a) as being unpatentable over Barnett in view of United States Patent No. 6,282,412, issued in the name of Lyons (hereinafter "Lyons").

Claims 1-52 were originally presented for Examination. Claims 1-52 are currently pending, of which, claims 1, 10, 21, 29, 38 and 52 are in independent form. Favorable reconsideration of the present Response as currently constituted is respectfully requested.

Rejections Under 35 U.S.C. §102(e)

Claims 1-17, 19-25, 27-34, 36-41 and 43-52 have been rejected under 35 U.S.C. §102(e) as being anticipated by Barnett. Applicant respectfully submits herewith a Declaration Under 37 C.F.R. §1.131, a Declaration of Brianna Hinojosa-Flores and a Declaration of Lawrence R. Youst to establish invention of the subject matter of the above-captioned application in the United States at a date prior to February 16, 2001, i.e., the effective date of Barnett and reasonable diligence of the completion of the invention from the

time of conception, to a time just prior to the date of Barnett, up to the filing of the instant application on August 8, 2001. Accordingly, Applicant respectfully submits that the §102(e) rejections are rendered moot. Further, Applicant respectfully requests withdrawal of the outstanding §102(e) rejections and allowance of claims 1-17, 19-25, 27-34, 36-41 and 43-52.

Rejections Under 35 U.S.C. §103(a)

Claims 18, 26, 35 and 42 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Barnett in view of Lyons. In each of the §103(a) rejections, the Examiner relies on Barnett, which is prior art under 35 U.S.C. §102(e). As stated above, Applicant respectfully submits herewith a Declaration Under 37 C.F.R. §1.131, a Declaration of Brianna Hinojosa-Flores and a Declaration of Lawrence R. Youst to establish invention of the subject matter of the above-captioned application in the United States at a date prior to February 16, 2001, i.e., the effective date of Barnett and reasonable diligence of the completion of the invention from the time of conception, to a time just prior to the date of Barnett, up to the filing of the instant application on August 8, 2001. Accordingly, Applicant respectfully submits that the §103(a) rejections are rendered moot. Further, Applicant respectfully requests withdrawal of the outstanding §103(a) rejections and allowance of claims 18, 26, 35 and 42.

Fee Statement

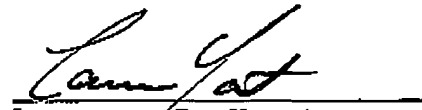
Applicant has enclosed herewith a Form PTO-2038 authorizing payment in the amount of \$120.00 for a one-month extension of time. Compared to the initial filing, in the present Response, the number of independent claims has remained the same and the total number of claims has remained the same. Applicant believes no additional fees are due for the filing of this Response. If any additional fees are due or overpayment have been made, please charge or credit, our Deposit Account No. 03-1130.

Conclusion

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the outstanding objections and rejections and allow claims 1-52 presented for reconsideration herein. Accordingly, a favorable action in the form of an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned for any reason that would advance the instant application to issue.

Dated this 24th day of January, 2005.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Lawrence R. Youst", written over a horizontal line.

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